



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,253	01/26/2004	Tomohiro Shinoda	KAW-315-USAP	8016
28892	7590	07/05/2007		
SNIDER & ASSOCIATES			EXAMINER	
P. O. BOX 27613			PINHEIRO, JASON PAUL	
WASHINGTON, DC 20038-7613				
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			07/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,253

Applicant(s)

SHINODA, TOMOHIRO

Examiner

Jason Pinheiro

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/21/2004, & 07/06/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Paragraph [0047], Line 2: "the recess 19a" should be changed to --the center recess--.

Paragraph [0062], Line 1: "the recess 19a" should be changed to --the center recess--.

Paragraph [0092], Line 8: "S101" should be changed to --S102--.

Appropriate correction is required.

Claim Objections

2. Claims 2-6, and 7-13 objected to because of the following informalities:

Regarding claims 2-6, and 8-13: "A gaming machine" (Line 1) should be changed to --The gaming machine--.

Regarding claim 7: "A plurality of gaming machines is arranged" (Line 1) should be changed to --A plurality of gaming machines are arranged--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 recites the limitation "the game" in lines 5, 10, and 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7, and 10-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Stamper (GB 2334456) in view of Street Fighter EX3 (EX3).

Regarding claims 1, 7, and 14: Stamper '456 discloses a gaming machine (Pg. 7, Line 4) (Fig. 5); the gaming machine having a main data carrier (Fig. 1) which stores main data including a capacity value of the main character (Pg. 9, Lines 1-22) and a sub data carrier (Fig. 6b) which stores sub data including a capacity value of the sub character (Pg. 9, Lines 1-22); the gaming machine comprising: a main data reading device which reads the main data from the main data carrier (Pg. 6, Lines 18-21); a sub data reading device which reads the sub data from the sub data carrier (Pg. 6, Lines 18-21); a game controlling device which proceeds with the game, at least according to the main data read by the main data reading device and a control signal from a controller (Pg. 6, Line 22 – Pg. 7, Line 14). However, Stamper does not disclose an inviting device which determines according to the capacity value of the main character and the

Art Unit: 3714

capacity value of the sub character read by the sub data reading device whether to make the sub character appear in the game or not during the game and making the sub character appear in the game according to a result of the determination.

Street Fighter EX3 does include a mode in which a sub character appears when the capacity value (Super Combo Level) of the main character and the sub character reach a predetermined level ("Critical Parade")(EX3, Pg. 5).

Therefore it would have been obvious to one skilled in the art to include the teachings of Street Fighter EX3 into the teachings of Stamper in order to create a more convenient and enjoyable game for players to play.

Regarding claim 2: Stamper discloses that which is discussed above. However Stamper does not disclose that the inviting device makes the sub character appear in the game when the capacity value of the main character exceeds a specific value determined according to the capacity value of the sub character read by the sub data-reading device.

Street Fighter EX3 does disclose that the main character must have 2 Super Combo Points in order to have the sub character appear ("Critical Parade")(EX3, Pg. 5).

Therefore it would have been obvious to one skilled in the art to include the teachings of Street Fighter EX3 into the teachings of Stamper in order to create a more convenient and enjoyable game for players to play.

Regarding claim 3: Stamper discloses that which is discussed above.

However Stamper does not disclose that a capacity value reducing device which reduces the capacity value of the main character when the inviting device makes the sub character appear in the game.

Street Fighter EX3 does disclose that the main character must use 2 Super Combo Points in order to have the sub character appear ("Critical Parade")(EX3, Pg. 5).

Therefore it would have been obvious to one skilled in the art to include the teachings of Street Fighter EX3 into the teachings of Stamper in order to create a more convenient and enjoyable game for players to play.

Regarding claim 4: Stamper discloses that which is discussed above. Stamper further discloses that the main data carrier is an action figure simulating an appearance of the main character (Pg. 5, Line 21 – Pg. 6, Line 3).

Regarding claim 5: Stamper discloses that which is discussed above. Stamper further discloses that the sub data carrier is depicted with an appearance of the sub character (Pg. 4, Lines 21-24). Although Stamper does not disclose that the data carrier is in the shape of a ball, Stamper does disclose that the data carrier can be of any shape (Pg. 7, Lines 19-21) and it would have been an obvious modification to one skilled in the art to modify the shape of the data carrier to be a ball in order to make a more attractive and intriguing game for players to play.

Regarding claim 10: Regarding claim 4: Stamper discloses that which is discussed above. Stamper further discloses a data carrier table which mounts the main and sub data carriers (Pg. 6, Lines 3-8)(Fig. 2).

Regarding claims 11, and 12: Stamper discloses that which is discussed above. Stamper further discloses a reader/writer which reads the data stored in the data carrier and writes the data into the main data carrier (Pg. 11, Lines 4-5, Pg. 4, Lines 1-9).

Regarding claim 13: Stamper discloses that which is discussed above. However Stamper does not disclose that the capacity values of the main and sub characters comprise at least one of physical, offensive, and magical power values.

Street Fighter EX3 does disclose the capacity values of the main and sub characters comprise at least one of physical, offensive (Super Combo Level), and magical power values.

Therefore it would have been obvious to one skilled in the art to include the teachings of Street Fighter EX3 into the teachings of Stamper in order to create a more convenient and enjoyable game for players to play.

7. Claims 6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamper (GB 2334456) in view of Street Fighter EX3 (EX3) as applied to claim 1 above, and further in view of Takahiro et al (JP 2002-325970).

Regarding claim 6: Stamper and EX3 disclose that which is discussed above. However neither Stamper nor EX3 disclose that a transponder of a radio

frequency identification (RFID) system is utilized as at least one of the main and sub data carriers.

Takahiro does disclose that a transponder of a radio frequency identification (RFID) system is utilized as at least one of the main and sub data carriers. (Abstract).

Therefore it would have been obvious to one skilled in the art to include the teachings of Takahiro into the combined teachings of Stamper and Street Fighter EX3 in order to help create a smoother and enjoyable game for players to play.

Regarding claim 8: Regarding claim 6: Stamper and EX3 disclose that which is discussed above. However neither Stamper nor EX3 disclose a display device which displays at least one of an image related to the game and a state of proceeding with the gaming machine.

Takahiro does disclose a display device which displays at least one of an image related to the game and a state of proceeding with the gaming machine (Paragraph [0016])(Drawing 1).

Therefore it would have been obvious to one skilled in the art to include the teachings of Takahiro into the combined teachings of Stamper and Street Fighter EX3 in order to allow the player to display the game and therefore create a more enjoyable game for players to play.

Regarding claim 9: Regarding claim 6: Stamper and EX3 disclose that which is discussed above. EX3 further discloses that a representation image

Art Unit: 3714

concerning the sub character is displayed on the display device according to emergence of the sub character in the game caused by the inviting device (Second character appears on the screen during the "Critical Parade")(Pg. 5).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Levy discloses an electronic game with intelligent game pieces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is 571-270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP
06/14/2007



KIM NGUYEN
PRIMARY EXAMINER